



U.S. Department of Justice

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January 23, 2009

Honorable Joseph A. Greenaway, Jr.
United States District Judge
United States District Court
for the District of New Jersey
Federal Square
Newark, New Jersey 07102

Re: United States v. Noah Cuebas
Crim. No. 06-613 (JAG)

Dear Judge Greenaway:

Please accept this letter in lieu of a more formal submission requesting an Order allowing the Bureau of Prisons to review additional materials in connection with the Criminal Responsibility Evaluation of defendant Noah Cuebas and to report to the Court and the parties any supplemental findings or impressions.

Recently, the Court ordered the disclosure of a Criminal Responsibility Evaluation Report prepared by Dr. Elissa Miller, Federal Bureau of Prisons, dated June 11, 2006 (the "Report"). The Report cites twenty-eight (28) separate reports, records and documents that Dr. Miller reviewed in preparing the Report. Not appearing among those sources are: (1) the audio-recorded post-arrest statement that Noah Cuebas gave to the East Orange Police Department on July 18, 2006; and (2) the video of the post-arrest statement that Noah Cuebas gave to the Essex County Prosecutor's Office at approximately 11:37 a.m. on July 18, 2006.¹

The government has sent Dr. Miller those materials and requested that she report any findings or impressions she may have upon reviewing them. Dr. Miller is agreeable to do so, but requested that such review be approved in advance by this Court.

¹ Dr. Miller reviewed a transcript of the statement that Noah Cuebas gave to the Essex County Prosecutor's Office before preparing the Report.

As Your Honor is aware from the evidence received recently during an evidentiary hearing, the audio and video of defendant Cuebas's post-arrest statements contain numerous references to what the defendant referred to as "the calmness" (*i.e.*, the supposed mental defect or disease on which Cuebas's insanity defense will likely be based). Accordingly, Dr. Miller ought to be permitted to review those materials and to supplement the Report with any pertinent findings or impressions she may have. Dr. Miller anticipates completing that review by February 6, 2009.

Very truly yours,

RALPH J. MARRA, JR.
Acting United States Attorney

R. Joseph Gribko

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cc: K. Anthony Thomas, AYPD
Dr. Elissa Miller, Bureau of Prisons

So Ordered:

Hon. Joseph A. Greenaway, Jr.
United States District Judge

1-27-09